

Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

SIERRA CLUB; and CENTER FOR
ENVIRONMENTAL LAW AND POLICY,)

No. 2: 11-cv-01759-RSL

Plaintiffs,
and)

DECLARATION OF BRIAN CROSSLEY
IN SUPPORT OF THE SPOKANE TRIBE
OF INDIANS' MOTION FOR
SUMMARY JUDGMENT

SPOKANE TRIBE OF INDIANS,)

Plaintiff-Intervenor,)

v.)

DENNIS MCLERRAN; LISA JACKSON;)
and UNITED STATES)
ENVIRONMENTAL PROTECTION)
AGENCY)

Defendants,
and)

SPOKANE COUNTY: KAISER)
ALUMINUM WASHINGTON LLC; and)
STATE OF WASHINGTON)
DEPARTMENT OF ECOLOGY,)

Intervenors.)

I, Brian Crossley, declare under the penalty of perjury under the laws of the United States of

America:

DECLARATION OF BRIAN CROSSLEY
IN SUPPORT OF SPOKANE TRIBE'S MOTION
TO FOR SUMMARY JUDGMENT -1
No. C11-1759RSL

OFFICE OF THE SPOKANE TRIBAL ATTORNEY
P.O. Box 100
Wellpinit, WA 98840
(509) 953-1908

1 I am a resident of Stevens County, Washington, over the age of eighteen years,
2 and am competent to make this declaration based on my personal knowledge and experience.

3
4 2. I am the Spokane Tribe's Water and Fish Program Manager, a division of the
5 Spokane Tribe of Indians' Natural Resources Department.

6 3. As part of my position, I have reviewed PCB testing results from recent data
7 collected within the Spokane River that flows through the Spokane Indian Reservation.


8
9 4. Seventy-four fish were grouped into seventeen fish tissue composites that were
10 taken from the Spokane River within and near the border of the Spokane Tribe of Indians
11 Reservation in the fall of 2012.

12 5. For those seventeen composites, the average PCB level in the tissue was 34.85
13 ng/g.

14 6. The National Toxic Rule tissue standard is 5.3 ng/g which is Washington State's
15 standard for PCBs in fish tissue, EPA's recommended screening value for subsistence users in
16 fish tissue is .245 ng/g, and the Spokane Tribe's current standard for fish tissue is .04 ng/g.

17 7. This data indicates that the average fish sampled within the Tribe's waters has
18 levels of PCBs 6.6 times higher than the State standard, 142.24 times higher than EPA's
19 subsistence screening level standard, and 871.25 times higher than the Tribe's standard for fish
20 tissue.
21
22

23 EXECUTED this 11th day of March, 2014 in Wellpinit, Washington.

24
25
26 
27 Brian Crossley
28

DECLARATION OF BRIAN CROSSLEY
IN SUPPORT OF SPOKANE TRIBE'S MOTION
TO FOR SUMMARY JUDGMENT -2
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